

## **REMARKS**

In the Office Action mailed on February 4, 2010, the Examiner rejected<sup>1</sup> pending claims 1, 3-11, 14-21, 23-31, 34-43, 45-52, and 54-60 as allegedly being obvious over U.S. Patent No. 7,016,936 to Wilkinson et al. ("*Wilkinson*") in view of U.S. Patent No. 7,370,004 to Patel et al. ("*Patel*") and in further view of U.S. Application 2003/0229884 to Carr et al. ("*Car*"). By this amendment, Applicant amends claims 1, 21, and 41.<sup>2</sup> Applicant also cancels claims 17, 37, and 57.

### **Independent claims 1, 21, and 41**

"[T]he framework for objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 U.S.P.Q 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art." M.P.E.P. § 2141(II). "The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious." M.P.E.P. § 2141(III). "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." M.P.E.P. § 2141(III). In the Office Action, there must be "some

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<sup>1</sup> The Office Action contain a number of statements reflecting characterizations of the related art and claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

<sup>2</sup> Claims were amended solely to expedite prosecution. Applicant preserves the right to pursue the original subject matter in subsequent applications.

articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." M.P.E.P. § 2141(III).

As amended, independent claim 1 recites:

"generating a customer interaction record with a plurality of data fields for a customer, the customer interaction record comprising a batch data section, a customer experience packet section, and a real time data section; generating an XML document from the customer interaction record; using a web services layer to pass the XML document to the central, channel-independent rule processing engine; processing the hierarchy of grouped rules using information from the customer interaction record; updating the customer experience packet section of the customer interaction record and the XML document to indicate at least one treatment for the customer; and using the web services layer to send the XML document to a channel to indicate the at least one treatment for the customer."

These concepts are supported by Applicant's specification. See, e.g., Specification at ¶¶ 53-55, 81-87; see also Figure 2-3, and Figures 7-9.

*Wilkinson* does not disclose the features of claim 1, as amended. For example, *Wilkinson* does not disclose or suggest a "customer interaction record comprising a batch data section, a customer experience packet section, and a real time data section." Nor does it disclose or suggest "updating the customer experience packet section of the customer interaction record and the XML document to indicate at least one treatment for the customer."

*Patel* and *Carr* do not remedy the deficiencies of *Wilkinson*. As a result of these distinctions between the prior art of record and amended claim 1, the differences between the claimed invention and the prior art have not been properly ascertained, and no rational underpinning to support the legal conclusion of obviousness has been

provided. Accordingly, no reason has been clearly articulated as to why the prior art would have rendered the claimed invention obvious to one of ordinary skill in the art. Thus, the rejection of claim 1, as amended, should be withdrawn. And although they differ from each other and claim 1 in scope, amended independent claims 21 and 41 recite similar features as amended independent claim 1, and are allowable for similar reasons.

**Dependent claims 3-11, 14-16, 18-20, 23-31, 34-36, 38-40, 42, 43, 45-52, and 54-56, 58-60**

Each of these claims is a dependent claim, and thus includes all the elements of its respective independent claim. All the independent claims are unobvious over the art of record, as set forth above. "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." M.P.E.P. 2143.03 (citing *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988)). Accordingly, the rejection of dependent claims 3-11, 14-16, 18-20, 23-31, 34-36, 38-40, 42, 43, 45-52, and 54-56, 58-60 under 35 U.S.C. 103(a) should be withdrawn as well.

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing the claims in condition for allowance.

Furthermore, Applicant respectfully points out that the final action by the Examiner asserted new prior art against Applicant's invention. It is respectfully submitted that the entering of the Amendment would allow the Applicant to reply to the final rejections and place the application in condition for allowance.

Finally, Applicant submits that the entry of the Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.


In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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